



Chartered Institute of Legal Executives (CILEX)
Paralegal Apprenticeship End-Point Assessment
Tort Law and Civil Litigation
Timed assessments — Sample Advance Materials

Information for the apprentice

- This document contains the advance materials for your two timed assessments.
- You should read these advance materials carefully and complete the legal research before you sit the timed assessments.
- In the timed assessments, you will be presented with a set of tasks which will relate to these advance materials. You will be required to complete all the tasks in the timed assessments.
- You may discuss these materials with your tutor(s).

Instructions and information to the apprentice during the timed assessments

- You are allowed to take your own annotated copy of this document into the timed assessments. Alternatively, you can access the electronic version of this document in the timed assessment.
- You are allowed to take into the timed assessments, clean or annotated copies of statutory authorities and decided cases that you used during your research.
- You are allowed to take your research notes into the timed assessments, however these notes must be on paper.
- You must comply with the CILEX Regulations for Timed Assessment with Remote Invigilation – Level 3 Paralegal Apprenticeship End-Point Assessment.

Turn over

Background Information

You are a paralegal employed by the firm **Hedley, Smith & Cutler of 10 King Street, Milchester, MC1 4AZ**. Your supervising lawyer is Sinead Albright, who is a partner in the firm.

Sinead Albright has asked you to conduct research into issues arising on a client's matter to enable advice to be given to the client and so that further work may be undertaken to progress the matter.

In advance of the timed assessments, read through the documents found on the following pages **and** carry out the relevant research that your supervising lawyer has requested in the internal memorandum (**Document 1**).

Document 1

Internal memorandum

To: Paralegal
From: Sinead Albright
Date: [today]
Client: Mr Simon Winder
File reference: SA/36/{this year}/Winder
<p>I am instructed on behalf of Mr Simon Winder who is pursuing a claim for damages for injuries sustained in an accident at work. Relevant conflict checks have been undertaken and work has commenced on the matter.</p> <p>In terms of the present position, Mr Winder's employer, Professional Site Clearance Ltd (PSC Ltd), has already admitted that a duty of care was owed and breached as they failed to provide Mr Winder with suitable personal protective equipment (PPE) for his work shift at a house clearance. However, the employer refuses to accept liability for the full extent of the client's injuries. This is the element of the claim that we need to focus on.</p> <p>I attach the attendance note of my meeting with Mr Winder setting out the circumstances that led to his ongoing injuries (Document 2). I also attach an email received from the client's sister, Ms Tandie Winder (Document 3). She is currently providing care for the client whilst he lives with her. We do not yet have authority from the client to speak to Ms Winder, but I would like to contact Simon Winder directly in relation to the points his sister has raised.</p> <p>In order to assist me in progressing the matter, please undertake some research in preparation for further tasks.</p> <p>Please research the law on the following:</p> <ul style="list-style-type: none">• Breach of duty; the standard of care owed by medical professionals• Causation; causation in fact and law and <i>novus actus interveniens</i>• Vulnerable claimants; the 'thin skull' rule• Damages in personal injury claims; purpose of damages and difference between general and special damages• Limitation periods in a claim for personal injury• Legal and regulatory requirements in relation to client confidentiality <p>In undertaking your research, you may wish to consider the following:</p> <ul style="list-style-type: none">• Bolam v Friern Hospital Management Committee [1957]• Bolitho v City and Hackney Health Authority [1997]• Barnett v Chelsea & Kensington HMC [1969]• Webb v Barclays Bank plc & Portsmouth Hospitals NHS Trust [2001]• The Wagon Mound (No 1) [1961]

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- Smith v Leech Brain & Co Ltd [1962]
- Limitation Act 1980
- Data Protection Act 2018 and the UK General Data Protection Regulation
- CILEx Regulation Code of Conduct 2019

For billing purposes, I will also need you to record the amount of time spent on research and preparation of your notes.

Your research findings will be used to complete internal and external documentation.

You will be expected to cite relevant legislation and case law to underpin your work.

Thank you.

Sinead Albright

Document 2

Telephone attendance note

Client:	Mr Simon Winder
File reference:	SA/36/{this year}/Winder
Date:	[4 weeks ago]
Attended by:	Sinead Albright (SA)
Time spent:	15 units / 1.5 hours

Background information

SA attending on client to take instructions on accident circumstances and losses.

Mr Winder instructs us to recover damages for personal injury and financial losses as a result of injuries sustained in an accident at work. The client is employed by PSC Ltd, a company specialising in property clearance. The properties are often very untidy, overcrowded with furniture, rubbish and other items and can therefore be dangerous.

Mr Winder had been working for the company for two weeks. He and a colleague were clearing a re-possessed property which had been damaged extensively by the evicted tenants. When clearing the kitchen, which was littered with rubbish, Mr Winder stood on a rusty nail which was protruding out of a damaged floorboard. Unfortunately, Mr Winder was not wearing suitable protective boots and the nail pierced the sole of his shoe, becoming deeply embedded in his foot.

Mr Winder suffered immediate pain and his foot was bleeding. Mr Winder's colleague transported him to Kempston General Hospital and he was triaged in the accident and emergency department. He was attended by Dr Michael Nkunda, a junior doctor who was coming to the end of an extremely busy 14-hour work shift during which he had taken very limited rest breaks. Dr Nkunda safely removed the rusty nail, cleaned the wound on Mr Winder's foot and prescribed a tetanus vaccination.

Had Dr Nkunda checked Mr Winder's medical history, he would have observed an entry from Mr Winder's family GP, recorded when Mr Winder was 7 years old, indicating severe allergy to the prescribed vaccination. However, he did not check Mr Winder's medical history nor did he ask the client whether he was aware of any allergies.

Mr Winder received the vaccination, administered by a nurse, and within seconds became anaphylactic. His blood pressure dropped rapidly, he experienced swelling to his eyes and mouth, and struggled to breathe as his airway narrowed. The attending nurse immediately called for assistance and the client was taken to the trauma room where epinephrine (adrenaline) was administered along with oxygen and strong antihistamines via an intravenous catheter.

Mr Winder was kept in hospital overnight for observations before being discharged the following day. Several hours after returning home to the care of his sister, Mr Winder complained of feeling shivery. He went to bed, waking several hours later in a state of confusion and with a fever.

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Mr Winder's sister, Tandie, called an ambulance as she was concerned by how rapidly his condition had deteriorated, and he was taken to hospital where he was diagnosed with sepsis. Although antibiotics were administered immediately, the treatment did not take effect quickly enough, and the consultant recommended an immediate red blood cell transfusion. Mr Winder, a Jehovah's Witness, refused the transfusion on religious grounds against medical advice.

After being admitted into Kempston General Hospital Intensive Care Unit, Mr Winder was given further courses of intravenous antibiotics and eventually recovered from the sepsis.

The client explains that he has ongoing severe symptoms consistent with post-sepsis syndrome including severe tiredness, breathlessness and aching limbs. He has been unable to work since the accident.

The client also explained that he is very apprehensive about making a claim, and is not sure whether it is something he definitely wants to pursue so would like some time to consider his options.

SA confirming the client care letter will shortly be sent out for the client to consider. SA requesting client emails with instructions to proceed, if this is his decision, and to send details of any financial losses incurred.

Document 3: Email from Tandie Winder to Sinead Albright

To:	Sinead Albright
From:	Tandie Winder
Date:	[3 days ago]
Subject:	My brother's claim

Dear Sinead,

I am Tandie Winder, Simon's sister. Simon has given me your email address so that I can contact you to confirm that he has read your letter and would like to go ahead with a claim against his employers for the injury to his foot and everything that has happened afterwards.

I am sure Simon has explained he is an anxious person and does not deal well with letters and emails. I usually help him with things like this, so it makes sense for me to contact you on his behalf. Simon is living with me at the moment, he is half the man he once was and there is no way he could live on his own. He is too weak and tired to make meals or deal with day-to-day living. He is able to wash and dress himself but everything else is down to me. A friend of mine has told me that I should be making a claim for my time as Simon's carer, so I would like some advice on that please.

Simon is struggling financially since the accident. I am waiting for Simon's boss to send over a copy of his payslip for the two weeks he worked at PSC Ltd. Prior to starting that job, he had been working for about a year as a kitchen porter at the Kempston Hotel earning around £200 a week. I have told Simon to call the hotel and ask for copies of his payslips. I will send all of these to you when I have them. I also have receipts for all of Simon's prescriptions. It would be useful to have an idea of what else Simon will be able to claim for.

I have also spoken to Simon's landlord about him giving up his tenancy, as there is no way he can live independently in his current condition. The landlord needs a letter from you confirming the date of his injury and confirming that he cannot work. Could you please send that to me urgently?

Thank you,

Tandie Winder

End of the advance materials

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